of death. The company and each employee contributed to the fund. On leaving the service of the company an employee ceased to have any claim for injury or death benefits. The company went out of business, at which time there was on hand in the fund nearly $55,000. Those who were employees when the company ceased doing business claimed that the whole fund was held in trust for them; the company claimed that a resulting trust for it existed for a share proportioned to its contribution; persons previously employed also made claims for shares. The plaintiff, trustee of the fund, filed a bill of interpleader. *Held,* that there were resulting trusts in favor of all who had at any time contributed to the fund, in proportion to the contributions of each. *Walters v. Pittsburgh & Lake Angeline Iron Co.* (1918, Mich.) 167 N. W. 834.

The agreements entered into by the contributors in this case were not very definite and no provision was made for the distribution of any surplus. The decision follows the view taken in the case of *Coe v. Washington Mills* (1889) 149 Mass. 543, 21 N. E. 966, upon the principle that where an express trust comes to an end without exhausting a fund, there is a "resulting trust" for the grantor. If there is anything in the agreement of the contributors which indicates an intention that no trust shall result—as may well happen in cases similar to the one in hand—that intention will be given effect. See *In re Customs & Excise Officers Fund* [1917] 2 Ch. 18, commented upon in (1918) 27 YALE LAW JOURNAL, 418.

WILLS—TESTAMENTARY CAPACITY—SOLDIER UNDER AGE EXERCISING POWER OF APPOINTMENT BY WILL.—An English officer under age, while on active service with the army, made his will, duly executed and attested, by which he exercised a power of appointment over personal property. After the will was admitted to probate, proceedings in chancery were instituted by persons who would be entitled to the property if the power were invalidly exercised, claiming the will was void. *Held,* that the power was validly exercised. *Re Wernher* (1918, C. A.) 118 L. T. 388.

The same decision had been reached by the lower court, but Younger, J., there expressed the opinion that the practice of the Probate Court of admitting wills of infant soldiers was not warranted by the Wills Act of 1837. See Comment in (1918) 27 YALE LAW JOURNAL, 806. Following the handing down of this opinion the Wills (Soldiers' and Sailors') Act of February 6, 1918, was enacted "in order to remove doubts as to the construction of the Wills Act of 1837." It declared that Section 11 of that Act had always authorized the infant soldier in actual military service to dispose of his personal estate by will. This legislation, the court now says, puts to rest the question of the validity of the will; and it was held also that the power to dispose of "his personal estate" included the power to appoint personal estate. In America it would seem that such retroactive legislation could hardly be sustained. If the will were invalid at the time of the testator's death, any subsequent statute declaring it operative would run foul of constitutional prohibitions. See *Greenough v. Greenough* (1849) 11 Pa. St. 489.